ANNO REGNI

GEORGII REGIS

Magnæ Britanniæ, Franciæ, &

DECIMO SEPTIMO

At the Parliament begun and holden at *Westminster*, the First Day of *December* Anno *Domini* 1741, in the Fifteenth Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

And from thence continued by several Prorogations to the First Day of *December* 1743; being the Third Session of this present Parliament.

LONDON:

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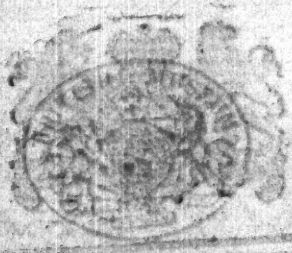


ANNO DECIMO SEPTIMO

GEORGII II. Regis.

An Act for repairing and widening the Road leading from a Place called Harlow Buſh Common, *in the Pariſh of* Harlow *in the County of* Eſſex, *to* Stump Croſs, *in the Pariſh of* Great Cheſterford *in the ſaid County.*

WHEREAS the Road leading from a Place called *Harlow Buſh Common*, in the Pariſh of *Harlow* in the County of *Eſſex*, to a Mill called *South Mill*, in the County of *Hertford*; and from thence through *Hockerel* in the ſaid County of *Hertford*, Preamble.

ford, to a Place called *Palmer's Water*, in the ſaid County of *Eſſex*; and alſo from the ſaid Mill through *Biſhop Stortford*, in the ſaid County of *Hertford*, to *Palmer's Water* aforeſaid; and from *Palmer's Water* to *Stump Croſs*, in the Pariſh of *Great Cheſterford*, in the ſaid County of *Eſſex*, is, by reaſon of the many heavy Carriages frequently paſſing through the ſame, become very bad in the Winter Seaſon; and ſeveral Parts thereof are ſo narrow, that Waggons, and other Carriages, cannot paſs by each other: And whereas the ſaid Road cannot, by the ordinary Courſe appointed by the Laws now in Force, for repairing the Highways of this Kingdom, be effectually amended and widened, unleſs ſome other Proviſion be made by Parliament for that Purpoſe: Wherefore, and to the End the ſaid Road may, with all convenient Speed, be ſuf-

ſufficiently amended, widened, and hereafter kept in good Repair; may it pleaſe Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That Sir *Robert Abdy*, Sir *John Hinde Cotton*, Sir *Cordell Firebrace*, Sir *Richard Day Jenour*, Sir *Conyers Jocelyn*, Sir *Edward Smyth*, Sir *Charles Wiſeman*, Baronets; the Honourable *Charles Maynard*, *Thomas Bramſton*, *Jacob Houblon*, *William Plumer*, *Richard Lockwood*, *Charles Gore*, *William Harvey*, *John Conyers*, *Samuel Feake*, *Samuel Feake* the younger, *Moſes Raper*, *William Freeman*, *Felix Calvert*, *Francis Gulſton*, *John Byde*, *John How*, *Peter Calvert* of *Hunſdon*, *Thomas Stanley*, *William Field*, *John*

Truſtees Names.

John Turvin, *Bayley Heath*, *Edward Parſon*, *John Stevenſon*, *Iſaac Whittington*, *Staines Chamberlain*, *John Turner*, *Edmund Squire*, *John Thomlinſon*, *Joſeph Cranmer*, *John Abdy*, *Charles Smyth* Son of Sir *Edward Smyth*, *William Gardiner*, *Beckford Kendall*, *John Frederick Pinney*, *Richard Plumer*, *Robert King*, *Joſeph Richardſon*, *William Weſtern*, *William Vatchell*, *Richard Chiſwell* junior, *Samuel Sheppard*, *Soam Jenyns*, *John Affleck*, *Edward Nightingale*, *John Barrington*, *Benjamin Henſhaw*, *John Cotton*, Eſquires; Colonel *John Brown*, the Reverend *John Maryon*, the Reverend *John Emerſon*, the Reverend *Thomas Raye*, the Reverend *Robert Styleman*, the Reverend *Francis Stanley*, the Reverend *Edward Wiſe*, the Reverend *Joſeph Harvey*, the Reverend *John Allen*, Clerks; *Rayner Heckford*, *John Fiſher*, *Richard King*, *Michael*

chael Thomſon, *Peter Knight*, *John Lawton*, *William Sworder*, *Robert Sworder*, *Robert Cheeke*, *John Mitchell*, *Nathaniel Wilks*, Gentlemen; the Reverend Maſter *Edward Abbot* Clerk; *Palſgrave Barley*, *Richard Chiſwell*, Eſquires; *Turner Collin* Gentleman; *Theophilus Dillingham* Eſquire; *Thomas Fuller* junior Gentleman; *George Ghent* Eſquire; *Hale* Doctor of Phyſick; *John Hanchett* of *Heydon*, Eſquire; *Thomas Maule*, *Philip Martin*, Gentlemen; *Piercey Wyndham Obrien* Eſquire; *Thomas Pennyſtone* Gentleman; the Reverend Maſter *Joſeph Richards*; *Joſeph Shepphard* Gentleman; Sir *Peter Soame* Baronet; *Henry Southouſe* Eſquire; *Samuel Southouſe*, *Edward Taylor*, Gentlemen; *Jeffery Wale* Eſquire; *Charles Wale* Gentleman; *Matthew Weymondſell* Eſquire; the Reverend Maſter *Barnard Mould*, ſhall be, and they are hereby nominated

and

and appointed Truſtees for the better ſurveying, amending, widening, and keeping in Repair the Road aforeſaid; and alſo for putting in Execution all other the Powers in and by this Act given; and that they, and the Survivors of them, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall in that Behalf authoriſe and appoint, ſhall and may erect, or cauſe to be erected, One or more Gate or Gates, Turnpike or Turnpikes, in or croſs any Part or Parts of the ſaid Road, and alſo a Toll-houſe or Toll-houſes in or upon the ſame; and ſhall receive and take, at each and every ſuch Gate or Turnpike, the Tolls and Duties following, before any Horſe, Mare, Gelding, Mule, Aſs, Cattle, Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Waggon, Wain, Cart, or other Carriage whatſoever,

ever, shall be permitted to pass through the same; that is to say,

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, or Calash, drawn by Six Horses, the Sum of One Shilling; and drawn by Four Horses, the Sum of Ninepence; and drawn by Two or Three Horses, the Sum of Sixpence:

For every Chaise, Chair, or Calash, drawn by One Horse, the Sum of Three-pence:

For every Waggon, Wain, Cart, or Carriage, drawn by Six Horses or Oxen, the Sum of One Shilling; and drawn by Four or Five Horses or Oxen, the Sum of Ninepence; and drawn by Three Horses or Oxen, or Two Oxen and One Horse, the Sum of Three-pence; and drawn by Two Horses or Oxen, the Sum of Two-pence; and drawn by One Horse, the Sum of Three Halfpence;

For

For every Horſe, Mule, or Aſs, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen or Neat Cattle, the Sum of Five-pence *per* Score; and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Two-pence Halfpenny *per* Score; and ſo in Proportion for any greater or leſs Number.

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of, or as a Toll or Duty; and the Monies ſo to be raiſed and collected ſhall be, and is hereby veſted in the ſaid Truſtees, and the ſame, and every Part thereof, ſhall be paid, applied, diſpoſed of, or aſſigned to and for the amending, widening, and keeping in Repair the ſaid Road; and to and for ſuch the ſeveral

Tolls veſted in the Truſtees.

ſeveral Uſes, Intents, and Purpoſes, and in ſuch Manner, as herein-after mentioned and declared (the reaſonable Charges expended, or to be expended, in or about, or by reaſon of paſſing this Act of Parliament, being firſt deducted); and it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, and ſuch Perſon or Perſons as they, or any Five or more of them, under their Hands and Seals, ſhall, from Time to Time, nominate and appoint, to levy the Tolls or Duties hereby laid upon, or required to be paid by any ſuch Perſon or Perſons, who ſhall (after Demand made thereof) neglect or refuſe to pay the ſame as aforeſaid, by Diſtreſs of any Horſe or Horſes, or other Cattle or Goods, upon which any Toll or Duty is by this Act impoſed; or by Diſtreſs of any other of the Goods and Chattels of ſuch Perſon or Perſons who ought

How the Monies ſhall be applied.

Tolls may be levied by Diſtreſs and Sale.

ought to pay the same; and to detain and keep the same, until such Toll or Duty, with such reasonable Charges of such Distress, and of detaining and keeping the same, shall be paid; and such Person or Persons so distraining, after the Space of Four Days after such Distress made and taken, shall and may sell the Goods so distrained and taken, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Toll or Duty, and reasonable Charges for distraining and keeping the same, shall be deducted and paid.

And, to the End that no Dispute may arise, touching what Part of the Highways intended to be repaired shall be first amended, be it enacted and declared by the Authority aforesaid, That the said Trustees to put this Act in Execution, or any Five or more of them, shall order and direct the Highway

Highway from *Quendon-ſtreet* in the County of *Eſſex*, to the further End of the Town of *Newport*, in the ſaid County, to be in the firſt Place amended; and to proceed next in repairing the Road leading from the Town of *Stanſtead Mount Fitchet*, in the ſaid County of *Eſſex*, to *South Mills*, in the ſaid County of *Hertford*, through the ſeveral Pariſhes and Diviſions wherein the ſaid Road ſo to be amended by this Act doth lie; and after ſuch Parts of the Road aforeſaid ſhall be ſufficiently amended, the ſaid Truſtees for putting this Act in Execution, or any Five or more of them, ſhall, and they are hereby impowered and required to order and direct the Money ariſing by virtue of this Act, to be laid out and applied in repairing and amending the other Parts of the Road in this Act mentioned, in ſuch Manner as is directed

directed and preſcribed by this Act.

Penalty on permitting Paſſage through private Grounds.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever, owning or occupying any Land near to any Turnpike, which ſhall be erected in purſuance of this Act, ſhall permit or ſuffer any Perſon or Perſons whatſoever to paſs through any Gate, Paſſage, or Way therein, with any Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Waggon, Wain, Cart, Carriage, Horſe, Mare, Gelding, Aſs, Mule, or any Sort of Cattle, whereby the Payment of any of the Tolls or Duties by this Act laid ſhall be avoided; every ſuch Perſon ſo offending, and being thereof convicted upon Oath, before any One or more Juſtice or Juſtices of the Peace, for either of the ſaid Counties of *Eſſex* and *Hertford*, ſhall, for every ſuch Offence, forfeit and pay to the ſaid

ſaid Truſtees the Sum of Twenty Shillings, to be recovered and levied in ſuch Manner as is hereinafter mentioned; and, when the ſaid Penalty ſhall be paid, One Moiety thereof ſhall go to the Informer, and the other Moiety ſhall be applied towards repairing of the ſaid Road, and to no other Uſe or Purpoſe whatſoever.

Penalty on Perſons taking off Horſe, *etc.* to elude Payment of the Toll.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall at any Time, during the Continuance of this Act, unload or cauſe to be unloaded any Sort of Goods or other Merchandizes, or take off or cauſe to be taken off any Horſe or Horſes from any Coach, Chariot, Berlin, Landau, Chaiſe, Calaſh, Chair, Hearſe, or Litter, or any Horſe or Horſes, Ox or Oxen, or other Cattle, from any Waggon, Wain, Cart, or other Carriage, at or before he, ſhe, or they ſhall come to any of the Gates or

Turnpikes erected by virtue of this Act, with an Intent to avoid paying any of the Tolls or Duties hereby impoſed, or ſhall put or leave in any Houſe or Place any Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Chair, Hearſe, Litter, Waggon, Wain, Cart, or other Carriage, Horſe, Gelding, Mare, or any other Cattle, chargeable with or liable to pay the ſaid Tolls or Duties, with ſuch Intent as aforeſaid, each and every Perſon ſo offending in any of the Caſes aforeſaid, ſhall forfeit and pay to the ſaid Truſtees, appointed or to be appointed to put this Act in Execution, or to the Treaſurer for the Time being, the Sum of Twenty Shillings, to be recovered, levied, and diſpoſed of, in ſuch Manner as other Penalties are by this Act directed to be recovered, levied, and diſpoſed of.

Truſtees may erect Turnpikes croſs any Lane.

And be it further enacted by the Authority aforeſaid, That it

ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to erect one or more Gate or Gates, Turnpike or Turnpikes, on the Side of the ſaid Road hereby directed to be repaired, at the End of and croſs any Lane or Way leading into or out of the ſame; and there to receive and take ſuch Tolls as are appointed by this Act to be taken at any Gate or Turnpike to be erected by virtue of this Act; ſo as the ſame do not extend to charge any Perſon or Perſons paſſing through Two Gates or Turnpikes only, with the Payment of the ſaid Toll or Duty any more than once, nor to charge any Perſon or Perſons whatſoever, paſſing through Three or more Gates or Turnpikes ſo to be erected, with the Payment of the ſaid Toll or Duty any more than Twice.

Provided always, and it is hereby enacted by the Authority aforeſaid, No Toll on Election Days.

ſaid, That during the Continuance of this Act, all Coaches, Berlins, Landaus, Chariots, Calaſhes, Chaiſes, Chairs, and Paſſengers on Horſeback, ſhall paſs and repaſs Toll-free on the Day or Days on which there ſhall be an Election of a Knight or Knights of the Shire for either of the ſaid Counties of *Eſſex* and *Hertford*, ſuch Coaches, Berlins, Landaus, Chariots, Calaſhes, Chaiſes, Chairs, or Paſſengers going to or returning from ſuch Election; any Thing herein contained to the contrary notwithſtanding.

Turnpikes veſted in Truſtees.

And be it further enacted by the Authority aforeſaid, That the Right and Property of all the Gates, Turnpikes, and Toll-houſes, which ſhall be erected by virtue of this Act, ſhall be veſted in the ſaid Truſtees appointed or to be appointed by or in purſuance of this Act to put the ſame in

in Execution; and they, or any Five or more of them, are hereby authorized and impowered to bring Actions, and prefer Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take away, break down, or ſpoil ſuch Gates, Turnpikes, or Toll-houſes, or any of them, ſo erected as aforeſaid.

Truſtees to appoint Collectors and Surveyors;

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees at their firſt Meeting, or any Five or more of them then preſent, or at any ſucceeding Meeting, by Writing under their Hands and Seals, ſhall and may chooſe and appoint One or more fit Perſon or Perſons to be a Collector or Collectors of the Tolls or Duties aforeſaid; and alſo One or more fit Perſon or Perſons to be Surveyor or Surveyors to view the Condition of the ſaid Road, and to ſee that the ſame be repaired, and alſo ſuch other Officer or Of-

ficers as they ſhall think neceſſary to employ in the Execution of this Act; and ſuch Perſon and Perſons as is or are hereby made liable to pay the ſaid Tolls or Duties, ſhall pay the ſame, after the Rates aforeſaid, to ſuch Perſon or Perſons as ſhall from Time to Time be appointed to collect the ſaid Tolls and Duties; and the Perſon or Perſons ſo appointed to collect and receive the ſaid Tolls or Duties, and alſo ſuch Surveyor or Surveyors ſo appointed as aforeſaid, ſhall, upon Oath, (if thereunto required by the ſaid Truſtees, or any Five or more of them, which Oath ſuch Truſtees, or any Five or more of them, are hereby impowered to adminiſter), on the Firſt *Monday* in every Month, during the Continuance of this preſent Act, or oftener, if the ſaid Truſtees, or any Five or more of them, ſhall ſo order or require the ſame, give in a true, exact,

who are to account upon Oath.

exact, and perfect Account, in Writing under their reſpective Hands, of all Monies which he or they, and every of them, ſhall to ſuch Time reſpectively have received, paid, and diſburſed, by virtue of this Act, or by reaſon of their reſpective Offices; for which Oath no Fee or Reward ſhall be taken, and which may be taken in Writing without any Stamp thereupon; and in caſe any Money ſo received ſhall remain in their or either of their Hands, the ſame ſhall be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, by any Writing or Writings under their Hands, authoriſe and impower to receive the ſame; which ſhall be diſburſed and laid out in amending and widening the ſaid Road, and for other neceſſary Purpoſes relating thereto, according to the true

The Monies ariſing by this Act, to be applied as is herein directed.

Meaning of this Act, and not otherwiſe; and the ſaid Truſtees, or any Five or more of them, to whom ſuch Account ſhall be given, ſhall and may, out of the Money ariſing by the ſaid Tolls or Duties, make ſuch Allowance to the Collector or Collectors, and the Surveyor or Surveyors, and other Officers ſo to be appointed as aforeſaid, for and in Conſideration of their Care and Pains reſpectively taken in the Execution of their ſaid reſpective Offices, and to ſuch other Perſon or Perſons as ſhall be aſſiſting in and about procuring the ſaid Road to be amended, by advancing and laying out any Money or otherwiſe relating to ſuch Repairs, as to the ſaid Truſtees, or any Five or more of them ſhall ſeem reaſonable; and in caſe ſuch Collector or Collectors, Surveyor or Surveyors, or any or either of them, ſhall not give in or make ſuch Account and Payment

Collector refuſing to account, it ſhall be determined by Two Juſtices;

Payment as the ſaid Truſtees, or any Five or more of them, ſhall order and direct, that then any Two or more Juſtices, at any Special Seſſions, or monthly Meeting of them, to be holden for any Diviſion in which any Part of the ſaid Road doth lie, in the ſaid Counties of *Eſſex* and *Hertford* reſpectively, ſhall make Enquiry of and concerning ſuch Default, as well by Confeſſion of the Parties themſelves reſpectively, as by the Teſtimony of One or more credible Witneſs or Witneſſes upon Oath, (which Oath the ſaid Juſtices are hereby impowered and required to adminiſter without Fee or Reward), and if any Perſon or Perſons ſhall be thereof convicted by ſuch Juſtices, they ſhall, upon ſuch Conviction, commit the Party or Parties to the common Gaol of the County or Place where the Offence ſhall be committed, there to remain without

and on Conviction ſhall be committed to Priſon without Bail.

out Bail or Mainprize, until he or they ſhall give and make a true and perfect Account and Payment as aforeſaid.

Lands chargeable to the High-ways to continue ſo.

Provided always, and it is hereby further enacted, That if it ſhall appear to the ſaid Truſtees, or any Five or more of them, that any Lands, Tenements, or Hereditaments, or any Rents, Profits, or Money, iſſuing out of any Lands, Tenements, or Hereditaments, now are or hereafter ſhall be liable, chargeable, or applicable, towards amending the Road aforeſaid, or any Part thereof, ſuch Lands, Tenements, and Hereditaments, ſhall ſtill remain liable and chargeable; and the Poſſeſſors and Occupiers of ſuch Lands, Tenements, and Hereditaments, are hereby required and directed to pay ſuch Rents, Profits, and Money, to ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall appoint

appoint to receive the Tolls or Duties granted by this Act; and upon Default of Payment thereof, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, by Warrant or Warrants under their Hands and Seals, to levy the ſame by Diſtreſs and Sale of the Goods of the Party neglecting or refuſing to pay the ſame, in ſuch Manner as is herein-before mentioned, for recovering and levying of any of the Tolls or Duties herein-before laid and made payable; which Rents, Profits, and Money, when recovered, ſhall be applied from Time to Time in repairing and amending the ſaid Road, and to no other Uſe or Purpoſe whatſoever.

Truſtees impowered to widen the Roads.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners and Truſtees, or any Nine or more of them, ſhall have full Power and Authority

rity to enlarge or widen all or any of the narrow Places in the ſaid Road or Highway, ſo that the Ground to be taken into the ſaid Highway do not exceed Fifteen Yards in Width, in any one Place; and that the ſaid Power and Authority do not extend to the taking in, or pulling down any Houſe, or to take away the Ground whereon any Houſe ſhall ſtand, or the Ground of any Garden, Orchard, Yard, Court, Park, Paddock, or Avenue to a Houſe; and in order to ſuch the enlarging and widening of the ſaid Road, and for the better Satisfaction of all Perſons who are or ſhall be Owners or Occupiers of, or anyways intereſted in any Lands or Grounds that ſhall be taken or laid into the ſaid Road or Highway, the ſaid Commiſſioners and Truſtees, or any Nine or more of them, before they ſhall ſo widen or enlarge the ſaid Road or Highway into the

ſeveral

ſeveral Lands, Inheritance, or Poſſeſſion of any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, ſhall and may treat, contract, and agree, and they hereby have full Power and Authority to treat, contract, and agree with the ſeveral Owners, Proprietors, or Occupiers of, and Perſons intereſted in the ſaid Ground or Land ſo to be taken into the ſaid Road or Highway, for a Satisfaction to be made them reſpectively for the ſaid Ground or Land, or for the Loſs and Damage which they, or any of them, ſhall or may anyways receive by ſuch widening or enlarging the ſaid Road or Highway; and thereupon, and upon the Payment of ſuch Sum or Sums of Money ſo agreed upon accordingly, it ſhall and may be lawful for the ſaid Commiſſioners and Truſtees, or any Nine or more of them, to take in and add the ſaid Ground or Land

ſo

ſo contracted or agreed for, to the ſaid Road or Highway, and to do, or cauſe to be done, all Things neceſſary in order thereto.

Commiſſioners may purchaſe Lands, &c. of Bodies Politick or Corporate, &c.

And whereas it may happen that ſome Perſons, or Bodies Politick, Corporate or Collegiate, Feoffees in Truſt, or others, who are ſeized of ſome Land or Ground which, according to the Powers given by this Act, may be neceſſary or proper to be taken in, and added to the ſaid Road or Highway, may be willing to treat and agree to ſell ſuch Land and Ground for the Purpoſes aforeſaid, but are incapable of ſelling, granting, and conveying the ſame, by reaſon of Infancy, or other Diſability; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians,

dians, or other Truſtees whatſoever, for or on Behalf of any Infants, Femes Covert, or Ceſtuique Truſts, and for all and every Perſon or Perſons whatſoever, who are or ſhall be ſeized, poſſeſſed of, or intereſted in, any ſuch Land or Ground, to treat, contract, and agree with the ſaid Commiſſioners, or any Nine or more of them, for Satisfaction to be made them reſpectively, for ſuch their Ground and Land, or any Part thereof, or their Intereſt therein, for the Purpoſe aforeſaid; and to ſell or convey the ſame, as Occaſion ſhall be or require; and that all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary thereof in anywiſe notwithſtanding; and that all Feoffees in Truſt, Executors, Adminiſtrators, Guardians,

Guardians, and Truſtees, Corporations Aggregate and Sole, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act; and if any Perſon or Perſons, Bodies Corporate, Politick or Collegiate, upon convenient Notice to them given, or left in Writing, at the Dwelling-houſe, or Place of Abode, of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick, Corporate or Collegiate, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Grounds ſo be taken into the ſaid Road as aforeſaid, ſhall, by the Space of Ten Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then in every ſuch Caſe the ſaid Commiſſioners and Truſtees, or any Nine or more

more of them, ſhall cauſe it to be inquired into, and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men, of one, ſome, or all of the ſaid Pariſhes in which the ſaid Road lies, (which Oaths the ſaid Commiſſioners, or any Nine or more of them, are hereby impowered to adminiſter), what Damages ſuch Owners, Occupiers, or Proprietors, or other Perſon or Perſons intereſted or concerned therein, ſhall or may ſuffer or ſuſtain for or by reaſon of the taking of any ſuch Land or Ground into the ſaid Highway; and what Recompence and Satisfaction ſuch Owners, Occupiers, Proprietors, or other Perſon or Perſons ſuffering thereby, ſhall reſpectively have, by reaſon or on account thereof; and for that Purpoſe, and in order thereto, the ſaid Commiſſioners and Truſtees, or any Nine or more of them, are hereby impowered

and required, from Time to Time, as Occaſion ſhall be or require, to ſummon and call before them all and every Perſon and Perſons whatſoever, which ſhall be thought neceſſary or proper to be examined as Witneſs or Witneſſes touching or concerning the Premiſes, and ſhall examine all ſuch Witneſſes before the ſaid Jury upon Oath, (which Oath they the ſaid Commiſſioners, or any Nine or more of them, are hereby impowered and required to adminiſter), and they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Places in Queſtion, and to uſe all other lawful Ways and Means, as well for their own as the ſaid Jury's better Information in the Premiſes, as they the ſaid Commiſſioners, or any Nine or more of them, ſhall think fit; and after the ſaid Jury ſhall have ſo enquired of, aſcertained, and ſettled ſuch Damages and Recompence,

pence, they the ſaid Commiſſioners or Truſtees, or any Nine or more of them, ſhall thereupon order, adjudge, and determine the ſaid Sum or Sums ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Occupiers, or Proprietors of the ſaid Land or Ground, or other Perſons intereſted therein, according to ſuch the Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination, ſo had and made, ſhall be final and binding and concluſive, to all Intents and Purpoſes, againſt all Parties or Perſons whatſoever claiming, in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, and Perſons under any other Diſabilities whatſoever, Bodies Politick, Corporate and Collegiate, as well as all other Perſon and Perſons

ſons whomſoever; and all and every ſuch Owners, Occupiers, and Proprietors, and all and every Perſon and Perſons any Ways intereſted in ſuch Land or Ground, ſhall thereby be from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, or Property of, in, to, or out of the ſame; and for the ſummoning and returning ſuch Jury or Juries, the ſaid Commiſſioners and Truſtees, or any Nine or more of them, are hereby impowered to iſſue out their Warrant or Warrants to the Sheriff of the County where ſuch Land or Ground ſo intended to be taken into the ſaid Road or Highway lies; thereby commanding or requiring him to impanel, ſummon, and return an indifferent Jury of Twenty-four Perſons to appear before the ſaid Commiſſioners and Truſtees, or any Nine or more of them, at

ſuch

ſuch Time and Place as in ſuch Warrant ſhall be appointed; who is hereby required thereupon to impanel, ſummon, and return ſuch Twenty-four Perſons accordingly; and out of the Perſons ſo impanelled, ſummoned, and returned, or out of ſuch of them as ſhall appear according to or upon ſuch Summons, the ſaid Commiſſioners and Truſtees, or any Nine or more of them, ſhall chooſe Twelve, who being ſworn, ſhall be the Jury for the Purpoſes aforeſaid; and in caſe any one Piece of Ground or Land ſo intended to be taken into the ſaid Road or Highway, ſhall lie partly in one of the ſaid Counties of *Eſſex* and *Hertford*, and partly in the other of them, then, and in ſuch Caſe, and as often as the ſame ſhall happen, the ſaid Commiſſioners and Truſtees, or any Nine or more of them, ſhall di-

rect their Warrant or Warrants for the Purpoſes aforeſaid, to the Sheriff of either of the ſaid Counties indifferently, who, as alſo the ſaid Commiſſioners and Truſtees, ſhall proceed and act thereupon, in ſuch and the ſame Manner, in all Reſpects, as if the ſaid Piece of Ground or Land had lain and been wholly in ſuch one County only; and for Default of a ſufficient Number of Jurymen, the Sheriff or Sheriffs, his or their Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service, to the Number of Twelve.

Lawful Challenges of any Jurymen to be allowed.

Provided always, and be it further enacted by the Authority aforeſaid, That all Perſons concerned, ſhall, from Time to Time have their lawful Challenges againſt any of the ſaid Jurymen, when they come to be ſworn; and that the ſaid Commiſſioners and

and Truſtees, or any Nine or more of them, acting in the Premiſes, ſhall have Power, from Time to Time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff or Sheriffs, his or their Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes; and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, not appearing or refuſing to be ſworn on the ſaid Jury, and being ſo ſworn, and not giving their Verdict concerning the ſame, or in any other Manner wilfully neglecting their Duties therein, contrary to the true Intent and Meaning of this Act; and on any Perſon or Perſons, who being required to give Evidence before the ſaid Jury, touching the Premiſes, ſhall refuſe to be examined or to give Evidence touching the ſame; and from Time to Time to levy ſuch Fine or Fines, in ſuch Manner as the Penalties herein-after men-

tioned to be levied and taken on any Surveyor of either of the ſaid Pariſhes wherein the ſaid Road lies, or any Perſon neglecting to do his Duty therein, are to be taken, levied, and applied; no ſuch Fine to exceed the Sum of Ten Pounds upon any One Perſon; and all ſuch Fines to be employed for ſuch Uſes, and in ſuch Manner as the Tolls or Monies granted by this Act are to be applied.

Fine of abſent Jurymen not to exceed Ten Pounds.

And be it further enacted by the Authority aforeſaid, That all and every ſuch Sum or Sums of Money, Conſideration, Recompence, or Satisfaction, to be agreed for, aſcertained, or aſſeſſed as aforeſaid, ſhall be, and are hereby charged and chargeable upon all Monies which ſhall be raiſed, received, or borrowed for the Purpoſes of this Act, and ſhall be paid thereout accordingly, to the Perſons reſpectively entitled thereto,

Purchaſe of Lands to be taken into the Roads how to be paid.

to, or to their reſpective Agents; and that upon Payment or Tender thereof to the ſaid Perſons ſo reſpectively intitled thereto, and (in caſe of Refuſal to accept the ſame) then upon leaving the ſame in the Hands of the Clerk for the Time being of the Commiſſioners or Truſtees, for the Uſe of ſuch Perſon or Perſons as the ſaid Commiſſioners, or ſuch ſaid Nine or more of them, ſhall appoint the ſame to be paid unto, and after Three Months Notice thereof given to ſuch Perſon or Perſons, it ſhall and may be lawful for the ſaid Commiſſioners and Truſtees, or any Nine or more of them, their Surveyors, Workmen, Servants, and Agents, to take into, and add to the ſaid Road or Highway, ſuch ſaid Ground or Land; and to do all and every ſuch Act, Matter, and Thing, with Relation to the ſaid Ground ſo taken or to be taken

taken into the ſaid Road, as they the ſaid Commiſſioners and Truſtees, or any Nine or more of them, ſhall think fit; and the ſaid Ground or Grounds ſo taken or to be taken in as aforeſaid, ſhall, to all Intents and Purpoſes whatſoever, from thenceforth become and be, and ſhall be eſteemed and taken to be a publick Highway, and be from thenceforth Part of the ſaid Road, not only during the Continuance of this Act, but for ever thenafter, and ſhall be repaired, and kept in Repair, by ſuch Ways and Methods, and in all Reſpects in ſuch Manner as other Highways are by Law to be repaired, and kept in Repair.

Proviſo. Provided always, That no Perſon or Perſons ſhall ſit or act as a Commiſſioner or Truſtee, Commiſſioners or Truſtees, in any Caſe relating to the contracting for or purchaſing of any Lands ſo to be taken into the ſaid Road, where

where he or they are concerned in Intereſt.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon and Perſons as he or they ſhall appoint, to dig, gather, and take away any Gravel, Furze, Heath, Sand, Stones, or other Materials for repairing the ſaid Road, out of any waſte or common Grounds in any Pariſh, Town, Village, or Hamlet, wherein or near which the ſaid Road doth lie; and for want of a ſufficient Quantity of Gravel, Furze, Heath, Sand, Stones, or other Materials there, ſuch Surveyor or Surveyors, and ſuch Perſon or Perſons ſo appointed by him or them, ſhall and may dig, gather, take and carry away the ſame out of the waſte or common Grounds in any neighbouring Pariſh, Town, Village, or Hamlet,

Surveyors may dig Gravel, &c.

Hamlet, without paying any Thing for ſuch Gravel, or other Materials as aforeſaid; and where there are not ſufficient Quantities of ſuch Materials, in any common or waſte Grounds near adjoining, it ſhall and may be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, to dig and gather Gravel, Furze, Heath, Sand, Stones and other Materials for repairing the ſaid Road, in the ſeveral Grounds of any Perſon or Perſons (not being a Garden, Orchard, Yard, Meadow, Park, Paddock, Wood, Coppice, Nurſery, or planted Walk or Walks, or Avenue to a Houſe) where any ſuch Materials are or can be found, firſt having an Order of the ſaid Truſtees, or any Five or more of them, for that Purpoſe, and from Time to Time to carry away ſuch and ſo much thereof as the ſaid Surveyor or Surveyors

ſhall

ſhall adjudge neceſſary for repairing the ſaid Road, paying ſuch Rates for ſuch Materials, to the Owner or Occupier of the Ground, where and from whence the ſame ſhall be digged, gathered, or carried away, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable; and in caſe of any Difference concerning the ſame, between ſuch Owner or Occupier, and the ſaid Truſtees, touching the Damage aforeſaid, the Juſtices of the Peace at the next General Quarter Seſſions, to be holden for the County where and from whence ſuch Materials ſhall be digged, gathered or carried away, ſhall and may adjudge, aſſeſs, and finally determine the ſame, and from which Determination there ſhall be no Appeal.

Surveyors to make Cauſeways, cut Drains, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Surveyor or Surveyors, appointed

pointed or to be appointed by virtue of this Act, and ſuch Perſon or Perſons as he or they ſhall appoint, from Time to Time, to remove and prevent Annoyances on any Part of the Road aforeſaid, by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe, and to turn any Watercourſes, Sinks, or Drains running into the ſame, or otherwiſe, to the Prejudice thereof; and to cut down, lop, or top any Trees or Buſhes (Timber Trees excepted) growing in the ſaid Road, or in the Hedges or Banks adjacent thereto, and take and carry away the ſame (the Owners or Occupiers of the Premiſes, where ſuch Annoyances as aforeſaid ſhall happen to be, neglecting to remove the ſame), and to cut down ſuch Trees (excepting as before excepted) or Buſhes, or to remove ſuch other Annoyances, for the Space of Ten Days next after Notice in Writing given

Surveyors may remove Annoyances, &c.

given for that Purpoſe, under the Hands of the ſaid Truſtees, or any Five of them, the Charges whereof ſhall be reimburſed to the ſaid Surveyor or Surveyors, by ſuch Owners or Occupiers neglecting to cut down ſuch Trees or Buſhes, or to remove ſuch other Annoyances as aforeſaid; and if, after Removal of any of the ſaid Annoyances, any Perſon or Perſons ſhall again offend in the like Kind, every ſuch Perſon ſo offending, and being thereof convicted upon Oath, before any One or more Juſtice or Juſtices of the Peace for the County where the Offence ſhall be committed, ſhall, for every ſuch Offence, forfeit and pay unto the ſaid Truſtees the Sum of Twenty Shillings, to be recovered, levied, and diſpoſed of in ſuch Manner as is hereinafter mentioned.

Penalty on neglect to ſcour Ditches.

And be it further enacted by the Authority aforeſaid, That in caſe

caſe the Owner or Owners, Tenants or Occupiers of any Watercourſes, Ditch or Ditches adjoining to the ſaid Road by this Act intended to be repaired, or of the Lands to which the ſame do reſpectively belong, ſhall neglect or refuſe to ſcour or cleanſe the ſaid Watercourſes, Ditch or Ditches, or cauſe the ſame to be ſcoured or cleanſed Once in every Year, during the Continuance of this Act, after Ten Days Notice ſhall be given for that Purpoſe, by, or by the Order of the ſaid Surveyor or Surveyors, to be appointed by virtue of this Act, to ſuch Owner or Owners, or Tenants or Occupiers; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors to ſet any Man or Men to work to ſcour and cleanſe the ſame; and by Warrant of any Five or more of the ſaid Commiſſioners or Truſtees, to levy the Charge thereof

 upon

upon the Goods or Effects of ſuch reſpective Owners, Tenants, and Occupiers, to whom ſuch Notice ſhall have been given, or any of them, by Diſtreſs and Sale of his, her, or their Goods and Chattels, rendering the Overplus (if any be) to ſuch Owners or Occupiers reſpectively, after all Charges paid, when by him, her, or them demanded.

Money may be borrowed on Credit of the Tolls.

And foraſmuch as the Money to be collected by the Receipt of the Tolls or Duties by this Act impoſed or granted, will not be ſufficient for the ſpeedy Amending of the Road hereby directed to be repaired; be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Nine or more of them, ſhall and may, and they are hereby impowered from Time to Time, by any Writing or Inſtrument under their Hands and Seals, to aſſign over or mortgage the ſaid Tolls

or Duties, or any Part thereof, (the Coſts and Charge of ſuch Aſſignment or Mortgage to be borne and paid out of ſuch Tolls or Duties), for any Time or Term for which the ſame are hereby made payable, or any Part of ſuch Time or Term; which ſaid Tolls or Duties ſo to be aſſigned or mortgaged, ſhall be a Security for the Repayment of ſuch Sum or Sums of Money ſo borrowed, to ſuch Perſon or Perſons, or his, her, or their Truſtees, as ſhall advance and lend ſuch Money, which ſhall be repaid out of the Money ariſing or collected by the ſaid Tolls or Duties, with ſuch Intereſt for the ſame, as the ſaid Truſtees, or any Nine of them, ſhall think fit and agree to give, not exceeding the Rate of Four Pounds *per Centum per Annum*; which ſaid Money ſo borrowed ſhall (after paying the Expences of obtaining this

this preſent Act) be ſo applied and diſpoſed of, as the ſaid Tolls or Duties are to be applied and diſpoſed of by virtue hereof, and to no other Uſe or Purpoſe whatſoever; but no Money ſhall be borrowed by the ſaid Truſtees on the Credit of the Tolls or Duties hereby granted, after any Turnpike or Turnpikes ſhall be erected by virtue of this Act, unleſs Notice in Writing be for that Purpoſe fixed upon all ſuch Turnpike-gates ſo erected, at leaſt Fourteen Days before the borrowing of ſuch Money.

Toll to be paid but Once in a Day.

Provided always, and it is hereby further enacted, That no Perſon or Perſons having Occaſion to paſs through any Gate or Turnpike to be erected by virtue of this Act, who ſhall return the ſame Day before Twelve of the Clock at Night, with the ſame Horſe, Mare, Gelding, Aſs, Mule, Cattle, Coach, Berlin, Landau, Chariot,

Chariot, Chaiſe, Chair, Waggon, Wain, Cart, or other Carriage, and ſhall produce a Note or Ticket, that the Toll or Duty was paid at ſuch Gate or Turnpike (which Note or Ticket the ſaid Collector or Collectors is and are hereby required to give *gratis*) ſhall be liable or compellable to pay the ſaid Toll or Duty any more than Once at the ſaid Gate or Turnpike; and that no Waggon, Wain, or Cart, laden with Corn, Malt, Meal, or any Kind of Grain, having paſſed through any of the ſaid Gates or Turnpikes, and returning empty within the Space of Thirty-ſix Hours, to be computed from the Time of firſt paſſing through the ſaid Turnpike or Gate, ſhall be liable to the ſaid Duty more than once.

Provided alſo, and it is hereby enacted, That if there ſhall be Three or more Gates or Turnpikes erected on the ſaid great Road

Road by virtue of this Act, no Perſon or Perſons paſſing through Two of the ſaid Gates or Turnpikes only, ſhall be liable or compellable to pay the ſaid Toll at more than One of the ſaid Gates; but if any Perſon or Perſons ſhall paſs through Three or more of the ſaid Gates or Turnpikes, ſuch Perſon or Perſons ſhall be liable and compellable to pay the Toll and Duty aforeſaid a ſecond Time, at the laſt of the ſaid Gates through which ſuch Perſon or Perſons ſhall paſs, notwithſtanding ſuch Toll or Duty was paid for paſſing through the firſt Gate or Turnpike.

Penalty on Perſons diſpoſing of Tickets to avoid paying the Toll.

And for preventing Frauds and Abuſes in the ſaid Tolls or Duties, be it enacted by the Authority aforeſaid, That if any Perſon or Perſons having paid the Tolls or Duties by this Act laid or granted, and having ſuch Note or Ticket, Notes or Tickets, as is or are hereby di-

rected to be given, ſhall give, offer, or diſpoſe of the ſame to any other Perſon or Perſons, in order to avoid the Payment of the ſaid Tolls or Duties, every ſuch Perſon ſo giving, offering, or diſpoſing of ſuch Note or Ticket, Notes or Tickets, and the Perſon receiving and making uſe of the ſame, being thereof reſpectively convicted upon Oath before any One or more Juſtice or Juſtices of the Peace, for either of the ſaid Counties of *Eſſex* and *Hertford*, ſuch Perſons ſhall reſpectively forfeit and pay the Sum of Twenty Shillings, to be recovered and levied in ſuch Manner as is herein-after mentioned; and when the ſaid Penalty ſhall be paid, One Moiety thereof ſhall go to the Informer, and the other Moiety ſhall be applied towards repairing of the ſaid Road.

Exemptions from Tolls.

Provided always, and it is hereby enacted by the Authority aforeſaid,

ſaid, That no Perſon or Perſons ſhall be charged with any of the Tolls or Duties aforeſaid, who ſhall paſs through any of the Turnpikes to be erected by virtue of this Act, with any Horſe, Mare, Gelding, Mule, Aſs, Waggon, Cart, or other Carriage, which ſhall carry or draw any Quantity of Stones, Gravel, or other Materials for repairing the ſaid Road hereby directed to be amended, or any Road in any of the Pariſhes in which the ſame do lie, or in any of the neighbouring Pariſhes, or for carrying or drawing through the ſaid Turnpikes any Dung, Mould, Soil, Marl, Lime, or Compoſt, of any Nature or Kind whatſoever, for manuring of Gardens or Land within the ſame Pariſh; nor for any Horſe, Mare, Gelding, Mule, Aſs, Cart, Waggon, or other Carriage, carrying or drawing Hay, Straw, Corn in the Straw, or Lop or Top-wood

to be laid up in the Houſes, Out-houſes, or Backſides of the reſpective Inhabitants, Land-owners, or Land-holders in the ſeveral Pariſhes, in which any of the ſaid Turnpikes ſhall be erected; or any Ploughs, Harrows, or other Implements of Huſbandry, in order to the uſing or repairing the ſame, or for manuring or ſtocking of Land in the ſaid ſeveral Pariſhes; nor ſhall any Toll or Duty be demanded or taken for any Poſt-horſe carrying the Mail or Packet; nor for any Horſe, Mare, Gelding, or Cattle going to or from Water, or Paſturing; or for the Horſes of any Soldiers paſſing, who are upon their March; or for Carts, Carriages, or Waggons, attending them; or for Horſes, Carts, or Waggons, travelling with Vagrants ſent by legal Paſſes.

Perſons chargeable to the High-

Provided alſo, and it is hereby enacted, That all and every Perſon

ſon and Perſons, who by Law are obliged to do Statute-work, or chargeable towards amending the Road hereby intended to be repaired, ſhall ſtill remain chargeable, and do their reſpective Works in the ſaid Pariſhes, in which the ſaid Road doth lie, in ſuch Manner as ſuch Perſon or Perſons ought to have done before the paſſing of this Act; any Thing herein contained to the contrary notwithſtanding. ways, to continue ſo.

And for preventing Differences which may ariſe between the ſaid Truſtees, and the Surveyors of the Highways for the ſeveral Pariſhes and Places through which the Road aforeſaid doth lead, touching what Part of the Statute-work in any Pariſh, Place, or Diviſion, ought to be done on the Road by this Act directed to be repaired; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Two or more Juſtices Juſtices to determine Statute-work.

Juſtices of the Peace, for the County or Counties in which the ſaid Road lies, at any Petty or Special Seſſions of the Peace, upon Application made to them by the ſaid Truſtees, or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute-work ſhall be done in the Road aforeſaid, by the Inhabitants of each or any of the Pariſhes in which the ſaid Road hereby directed to be amended doth lie.

Truſtees may compound for Statute-work.

And to the Intent that proper Perſons may be impowered to compound and agree with the ſaid Truſtees for a Sum of Money, to be paid by any of the Pariſhes through which the ſaid Road by this Act directed to be repaired doth lead, in lieu of their Statute-work to be done on the ſaid Road; be it enacted by the Authority aforeſaid, That from and after the Firſt Day of *May*, which ſhall be in

in the Year of our Lord One thouſand ſeven hundred and forty-four, it ſhall and may be lawful for the Surveyor or Surveyors of the Highways of any of the ſaid Pariſhes (by and with the Conſent of the Inhabitants of ſuch Pariſhes firſt had at any Veſtry or other publick Meeting of the Inhabitants) to compound and agree with the ſaid Truſtees as aforeſaid, for any Number of Years they ſhall think fit; and if ſuch, or any future Surveyor or Surveyors ſhall pay ſuch Compoſition-money, or the ſame ſhall be levied on him or them, he or they ſo paying the ſame, or on whom the ſame ſhall be levied, ſhall be reimburſed the Monies ſo by him or them paid or levied on him or them, in ſuch Manner as Surveyors of the Highways, for the Time being, are by the Laws now in being to be reimburſed the Monies by them laid out and expended

pended in buying Materials for repairing the Highways.

Compoſition-money how to be recovered.

And for the better Recovery of ſuch Sum and Sums of Money, as any Pariſh or Pariſhes through which any Part of the ſaid Road intended to be amended doth lead, ſhall compound for, or agree to pay, in lieu of the Statute-work to be done by ſuch Pariſh or Pariſhes upon the ſaid Road; be it further enacted by the Authority aforeſaid, That in caſe ſuch Compoſition-money ſo agreed to be paid, ſhall not be paid to the ſaid Truſtees, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, within Fifteen Days after the ſame ſhall be demanded, it ſhall and may be lawful to and for any One or more Juſtice or Juſtices of the Peace, for the County wherein ſuch Pariſh or Pariſhes doth or do lie (upon Oath made before him or them

them of ſuch Default of Payment), and he and they are hereby impowered and required to iſſue a Warrant under his Hand and Seal, or under their Hands and Seals, impowering ſuch Perſon or Perſons ſo by the ſaid Truſtees, or any Five or more of them, appointed to receive ſuch Compoſition-money, to levy the ſame by Diſtreſs of the Goods and Chattels of the Surveyor or Surveyors of the Highways for the Time being of the ſaid Pariſh or Pariſhes reſpectively ſo compounding, and making Default in Payment, or any of them; and ſuch Goods and Chattels ſo diſtrained, after the Space of Four Days (ſuch Compoſition-money, and the reaſonable Charges of diſtraining and keeping the ſame, not being paid) to ſell, returning the Overplus, if any be, to the Owner or Owners thereof, upon Demand, after the ſaid Compoſition-money, and the reaſonable

reaſonable Charges of diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid; which Money ſo levied ſhall go and be applied towards amending the Road hereby directed to be repaired, and to no other Uſe or Purpoſe whatſoever.

Truſtees may compound by the Year with Paſſengers.

Provided always, and be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, may, and they are hereby impowered, from Time to Time, during the Continuance of this Act, to compound and agree by the Year, or otherwiſe, with any Perſon or Perſons uſing to travel through the Turnpike or Turnpikes to be erected by virtue of this Act, with any Horſe, Aſs, Mule, Cattle, Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, Chair, Waggon, Wain, Cart, or other Carriage, for any Sum or Sums of Money to be paid quarterly,

terly, from Time to Time, for and in lieu of Payment of any Toll or Duty, after ſuch Agreement ſhall be made, with Power to recover the ſame in the like Manner as the Compoſition-money to be paid by the Surveyors of the Highways is hereinbefore directed to be recovered.

This Act not to prejudice the Earl of *Suffolk*.

Provided alſo, and it is hereby enacted, That nothing herein contained ſhall tend to prejudice, defeat, or extinguiſh the Claim of the Right Honourable the Earl of *Suffolk*, his Heirs, Executors, or Aſſigns, to certain Tolls or Dues ariſing from the Paſſage over the Bridge at *Newport*, within the Limits of the Road herein and hereby directed to be amended.

Penalties and Forfeitures how recoverable.

And be it enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed or incurred as aforeſaid, the Manner of levying and recovering whereof is not otherwiſe particularly

particularly directed, ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hands and Seals of Two or more of His Majeſty's Juſtices of the Peace for the ſaid Counties of *Eſſex* and *Hertford* reſpectively, where the Offence ſhall happen; which Warrant or Warrants the ſaid Juſtices are hereby impowered and required to grant, upon the Information of any One or more credible Witneſs or Witneſſes upon Oath, which Oath the ſaid Juſtices are hereby impowered and required to adminiſter; and the Penalties and Forfeitures when recovered, after rendering the Overplus, if any be, when demanded, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, the Charge of ſuch Diſtreſs and Sale being firſt deducted, ſhall go and be applied, and laid out, if not otherwiſe

wiſe directed to be applied by this Act, for and towards the amending the ſaid Road hereby intended to be repaired.

Perſons aggrieved may appeal to the Quarter Seſſions.

Provided always, and be it further enacted by the Authority aforeſaid, That in caſe any Collector or Collectors, Surveyor or Surveyors, or any other Perſon or Perſons, ſhall think him or themſelves aggrieved by any Thing done in purſuance of this Act, it ſhall and may be lawful to and for him or them to appeal to the Juſtices of the Peace, at their next General Quarter Seſſions of the Peace to be held for the County where the Cauſe of Complaint ſhall ariſe, who are hereby authorized and required to hear and determine the Complaint or Complaints of any Perſon or Perſons ſo aggrieved; and, if they ſee Cauſe, ſhall and may, by Order of ſuch Seſſions, mitigate, at their Diſcretion, all or any of the

Penalties aforeſaid, or vacate and ſet aſide the ſaid Conviction or Convictions, and ſet the Parties at Liberty; but no Conviction ſhall be quaſhed for want of Form only.

Proceedings not to be quaſhed for want of Form only.

Provided alſo, and be it further enacted by the Authority aforeſaid, That no Order made, nor any Proceedings to be had, touching the Conviction of any Offenders againſt this Act, ſhall be quaſhed or vacated for want of Form, or be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, until ſuch Order, or other Proceedings, ſhall have been firſt removed to, and Judgement and Determination given and made thereupon, by the General Quarter Seſſions of the Peace for the County where the Matter ſhall ariſe.

Provided

Provided alſo, and be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of *May*, no Writ of *Certiorari* ſhall iſſue, or be iſſuable, to remove the Record of any ſuch Conviction from the ſaid General Quarter Seſſions, or to remove any Order, or other Proceedings, taken or made by the ſaid General Quarter Seſſions upon or touching ſuch Conviction, into any of His Majeſty's Courts of Record at *Weſtminſter*, until Security be given to the Proſecutor, in the Sum of One hundred Pounds, to proſecute and pay the Charges to be aſcertained by the Court to which ſuch Proceedings ſhall be removed, in caſe ſuch Order or Conviction ſhall be confirmed.

No Writ of *Certiorari* to be iſſued, till Security be given to proſecute.

And be it further enacted by the Authority aforeſaid, That this Act, and all the Tolls and Duties granted and made payable by the

Commencement and Continuance of this Act.

ſame, and all other the Powers hereby given, ſhall take Place and have Continuance only from and after the ſaid Firſt Day of *May*, for and during the Term of Twenty-one Years; but if at any Time before the Expiration of the ſaid Term of Twenty-one Years, the ſaid Road ſhall be ſufficiently repaired, and ſo adjudged by the Juſtices of the Peace for the ſaid Counties of *Eſſex* and *Hertford*, at their reſpective General Quarter Seſſions to be holden for the ſaid Counties, that then, and from and after ſuch Adjudication made, and Repayment of ſuch Money as ſhall have been borrowed, with Intereſt for the ſame, and the Coſts and Charges thereof, and all Money due and owing on Account of this preſent Act, the aforeſaid Tolls or Duties, and Powers hereby granted and given, ſhall from thenceforth ceaſe and determine; any

any Thing herein contained to the contrary notwithſtanding.

Juſtices may appoint Perſons to inſpect the Roads.

Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Juſtices of the Peace, at any of their reſpective General Quarter Seſſions, to be holden for each or either of the ſaid Counties of *Eſſex* and *Hertford*, yearly and every Year after the ſaid Firſt Day of *May*, if they think fit, to appoint Two or more fit Perſons of the ſaid Counties of *Eſſex* or *Hertford* reſpectively, for ſuch Parts of the ſaid Road as reſpectively lie in each of the ſaid reſpective Counties, to ſurvey or view the ſaid Road by this Act directed to be amended, and to enquire of and concerning the Tolls or Duties received in purſuance hereof; and in caſe ſuch Perſons ſo appointed ſhall find any Miſapplication of the Monies levied by virtue of this

Act, or any other Abuſes or Exceſs of the Power and Authority by this Act given, thereupon to certify to the Judges of Aſſize, at their next Aſſizes to be held for the ſaid Counties of *Eſſex* and *Hertford* reſpectively, who are hereby authorized and required to hear, examine, and finally determine the ſame, without further or other Appeal.

And for continuing a ſufficient Number of Truſtees for putting in Execution all and every the Powers and Clauſes in this Act contained, during the Continuance thereof, be it further enacted by the Authority aforeſaid, That when and as often as any Truſtee or Truſtees ſhall die, remove, or refuſe to act, it ſhall and may be lawful to and for the ſurviving and remaining Truſtees, or any Nine or more of them, by any Writing or Writings under their Hands and Seals, from Time to Time,

On Death or Removal of Truſtees, others to be choſen.

Time, and at all Times hereafter, during the Term aforeſaid, to nominate, elect, and appoint One or more fit Perſon or Perſons, living in the ſaid Counties of *Eſſex* or *Hertford*, in the Room of ſuch Truſtee or Truſtees ſo deceaſed, removed, or refuſing to act; and ſuch Perſon and Perſons ſo nominated, elected, and appointed, ſhall be joined with ſuch ſurviving and remaining Truſtees; but Notice of the Time and Place of Meeting, for the Election of all and every ſuch new Truſtee or Truſtees, ſhall be given in Writing, to be fixed at or on all and every Turnpike or Turnpikes to be erected by virtue of this Act, at leaſt Ten Days before the Meeting for ſuch Election; and all and every ſuch Perſon and Perſons, as ſhall from Time to Time be choſen and appointed to be joined with ſuch ſurviving and remaining Truſtees, ſhall and may, and he and they

are hereby impowered to act to all Intents and Purpoſes, in as full, large, and ample Manner, as the ſaid Truſtees hereby appointed, are impowered to act and do, as often as Occaſion ſhall be or require.

Truſtees when and where to meet.

And be it further enacted by the Authority aforeſaid, That the ſeveral Truſtees hereby appointed, or any Five or more of them, ſhall meet together at the Sign of the *Crown* at *Hockerel* in the ſaid County of *Hertford*, on the Fourth Day of *May*, which ſhall be in the Year of our Lord One thouſand ſeven hundred and forty-four, and then adjourn themſelves; and afterwards meet there, or at any other Place near the ſaid Road ſo to be repaired, as the ſaid Truſtees, or any Five or more of them, ſhall think moſt proper and convenient, as often as it ſhall be neceſſary for putting this Act in Execution; and if it ſhall happen that

that there ſhall not appear at any Meeting which ſhall be appointed to be held by the ſaid Truſtees, a ſufficient Number of them to act at ſuch Meeting, and to adjourn to another Day, then and in ſuch Caſe the Clerk to the ſaid Truſtees ſhall and may, by publick Notice in Writing, to be fixed at or on all and every the Turnpikes or Gates ſo erected as aforeſaid, at leaſt Ten Days before the next Meeting, appoint the ſaid Truſtees to meet at the Houſe where the ſaid Meeting of the ſaid Truſtees was appointed to be held, or at ſome other convenient Houſe, in or near the Road hereby directed to be repaired, on that Day Three Weeks from the Day on which ſuch laſt Meeting of the ſaid Truſtees was appointed to have been held; and that the ſaid Truſtees at their Firſt Meeting, and all ſubſequent Meetings, ſhall defray their own Charges and Expences.

No Truſtee to accept of a Place of Profit ariſing from the Tolls.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon or Perſons appointed or to be appointed a Truſtee or Truſtees for putting this Act in Execution, ſhall have or accept of any Place of Profit ariſing out of or by reaſon of the Tolls or Duties hereby laid; but ſuch Perſon or Perſons ſhall, from the Time of accepting ſuch Place, be incapable of acting as a Truſtee or Truſtees, during his or their Enjoyment of ſuch Place of Profit as aforeſaid.

Truſtees in Commiſſion of the Peace to act as Juſtices.

Provided alſo, and be it further enacted by the Authority aforeſaid, That if any Truſtee or Truſtees appointed or to be appointed to put this Act in Execution, is, are, or ſhall be in the Commiſſion of the Peace for the County or Counties through which the ſaid Road leads, ſuch Truſtee or Truſtees ſhall and may nevertheleſs act as a Juſtice or Juſtices of the

the Peace for the more effectual putting in Execution the ſeveral Authorities and Powers given in and by this Act, notwithſtanding ſuch Juſtice or Juſtices is, are, or ſhall be a Truſtee or Truſtees as aforeſaid.

And whereas it may be of great Service to have the Road aforeſaid meaſured and divided into equal Proportions, by Stones or Poſts erected in or near the ſaid Road, at the Diſtance of each Mile, or other Diſtances; be it enacted and declared by the Authority aforeſaid, That the ſaid Truſtees appointed to put this Act in Execution, or any Five or more of them, at any Meeting to be had after the paſſing of this Act, ſhall and may order and direct the ſaid Road to be exactly meaſured, and Stones or Poſts to be erected or ſet up near the Sides of the ſaid Road, and thereupon denote the Diſtance of each Mile, or

Roads to be meaſured, and Mile Stones erected.

or ſuch other Diſtances as they ſhall judge convenient; the Expence whereof ſhall be borne and paid by and out of the Monies to be raiſed by virtue of this Act; any Thing herein-before contained to the contrary notwithſtanding.

Limitation of Actions.

And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, that in every ſuch Caſe, ſuch Action or Suit ſhall be commenced within Six Months next after the Fact committed, and not afterwards; and ſhall be laid and brought in the County or Place where the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſo to be brought,

General Iſſue.

ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence, at any Trial to be had thereupon; and

that

that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear ſo to be done, or that ſuch Action or Actions ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Place, that then the Jury ſhall find a Verdict for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law. Treble Coſts.

And be it further enacted by the Authority aforeſaid, That this Act Publick Act.

Act ſhall be adjudged, deemed, and taken to be a publick Act; and be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

ANNO REGNI

GEORGII III.

REGIS

Magnæ Britanniæ, Franciæ, & Hiberniæ,

NONO.

At the Parliament begun and holden at *Weſtminſter*, the Tenth Day of *May Anno Domini* 1768, in the Eighth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c.

And from thence continued by ſeveral Prorogations to the Eighth Day of *November* 1768; being the Second Seſſion of the Thirteenth Parliament of *Great Britain*.

LONDON:

Reprinted by CHARLES EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1791.

BRITISH
MUSEUM

ANNO NONO

GEORGII III. Regis.

An Act for enlarging the Term and Powers granted by an Act passed in the Seventeenth Year of the Reign of His late Majesty, for repairing and widening the Road leading from a Place called *Harlow Bush Common,* in the Parish of *Harlow* in the County of *Essex,* to *Stump Cross,* in the Parish of *Great Chesterford* in the said County.

Preamble, reciting Act 17 Geo. II.

WHEREAS by an Act passed in the Seventeenth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing and widening the Road leading from a Place called*

Harlow Buſh Common, *in the Pariſh of* Harlow, *in the County of* Eſſex, *to* Stump Croſs, *in the Pariſh of* Great Cheſterford, *in the ſaid County*, ſeveral Tolls and Powers are granted to certain Truſtees therein named, for repairing the ſaid Roads; which Act was to continue and be in Force, from the Commencement thereof, for the Term of Twenty-one Years: And whereas the ſaid Truſtees have, in purſuance of the ſaid Powers, proceeded in the Repair of the ſaid Roads, and have borrowed Money upon the Credit of the ſaid Tolls, which cannot be repaid, and the Roads kept in Repair, during the ſubſiſting Term granted by the ſaid Act: And whereas the Powers granted to the ſaid Truſtees by the ſaid Act have, in many Particulars, been found defective: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's

King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act, and all and every the Authorities, Powers, Penalties, and Clauſes therein contained (except ſuch Clauſes, Matters, and Things, as are hereby altered or varied) ſhall be and continue in full Force, and be executed, from and after the Expiration of the Term of the ſaid Act, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

Recited Act, &c. further continued for 21 Years.

And be it further enacted by the Authority aforeſaid, That Sir *Anthony Thomas Abdy* Baronet, the Reverend *Stotherd Abdy* Clerk, *Thomas Appleby*, the Reverend *James Altham* Clerk, *Thomas Blackmore* Eſquire, the Reverend *Iſaac*

Truſtees Names.

Moody Bingham Clerk, *Thomas Plumer Byde* Eſquire, *Robert Bullman* Eſquire, *William Clarke*, *John Calvert* Eſquire, *Thomas Campin*, *Stanes Chamberlayne* junior Eſquire, *William Cowper* Eſquire, *Robert Flack*, the Reverend *Thomas Fielde* Clerk, *Paul Fielde* Eſquire, *John Fiſher* junior M. D. *Thomas Halſey* Eſquire, *John Houblon* Eſquire, *William Heath* Eſquire, *Thomas Heath* Eſquire, *John Jones*, *Edward Johns*, *Francis Jones*, *George Jones*, *John Luther* Eſquire, *Frederick Maurer* Eſquire, *Litchfield Moſeley*, *Anthony Natt* Clerk, *William Poole*, *John Pitkin*, the Reverend *Francis Stanley* junior Clerk, *Richard Stanley* Eſquire, *Joſeph Smith*, *Nathaniel Smith*, *Thomas Scott*, *Samuel Scott*, *James Turvin* Eſquire, the Reverend *John Walker* Clerk, and the Reverend *Joſeph Whately* Clerk, ſhall be added to, and joined with, the Truſtees appointed by, or elected,

or

or to be elected, in pursuance of the said former Act, for putting the said former Act and this Act in Execution.

The Tolls following to be taken instead of those granted by the former Act.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees appointed or to be appointed to put the said former Act and this present Act in Execution, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, to receive and take the Tolls and Duties herein-after mentioned, at any Turnpike erected or to be erected upon any Part of the said Roads, instead of the Tolls laid and made payable by the said Act of the Seventeenth Year of the Reign of His late Majesty; any Thing in the said former Act contained to the contrary notwithstanding; that is to say,

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaiſe, Chair, or Calaſh, drawn by Six Horſes, or other Beaſts of Draught, One Shilling and Sixpence; and drawn by Four Horſes, or other Beaſts, One Shilling; and drawn by Two or Three Horſes, or other Beaſts, the Sum of Nine-pence:

For every Chaiſe, Chair, or Calaſh, drawn by One Horſe, or other Beaſt, the Sum of Four-pence;

For every Waggon, Wain, Cart, or Dray, drawn by Six or more Horſes, Oxen, or other Beaſts, the Sum of One Shilling and Sixpence; and drawn by Four or Five Horſes, Oxen, or other Beaſts, the Sum of One Shilling; and drawn by Three Horſes, Oxen, or other Beaſts, the Sum of Four-pence; and drawn by Two Horſes, Oxen, or other Beaſts, the Sum of Three-pence; and drawn by

One

One Horſe, Ox, or other Beaſt, the Sum of Two-pence:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Three Halfpence:

For every Drove of Oxen or Neat Cattle, the Sum of Tenpence *per* Score; and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score; and ſo in Proportion for any greater or leſs Number.

Tolls veſted in Truſtees.

And the ſaid ſeveral Tolls hereinbefore mentioned are and ſhall, from and after the paſſing of this Act, be veſted in the ſaid Truſtees appointed or to be appointed to put the ſaid former Act and this preſent Act in Execution; and that they, or any Five or more of them, or ſuch Perſon or

Perſons as they, or any Five or more of them, ſhall authorize and appoint, ſhall, and they are hereby declared reſpectively to have the ſame Powers, Authorities, and Remedies, for demanding, collecting, borrowing of Money on, and recovering and levying, the Tolls hereby made payable, as are in and by the ſaid former Act given and preſcribed; and the Tolls hereby granted and made payable, and every Part thereof, ſhall be paid, applied, diſpoſed of, and aſſigned to and for ſuch Uſes, Intents, and Purpoſes, as the Tolls are in and by the ſaid former Act and this preſent Act directed and appointed, and to no other Uſe or Purpoſe whatſoever.

Truſtees, with Conſent of the Creditors, may leſſen the Tolls.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time, at any Meeting or Meetings, whereof Ten

Ten Days Notice in Writing ſhall be given upon all the ſaid Turnpikes, to reduce all or any of the Tolls hereby granted, ſo as ſuch Reduction be no Prejudice to or with the Conſent of the ſeveral Perſons who ſhall have advanced Money upon the Credit of this or the ſaid former Act, and to raiſe the ſame again, or any Part thereof, ſo as the ſame do not exceed the ſeveral and reſpective Rates herein-before granted; and ſuch Tolls ſo reduced or raiſed again, ſhall be collected, recovered, and applied, in the ſame Manner as the Tolls herein-before granted are to be collected, recovered, and applied.

Truſtees may make Water-courſes, &c.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, or for ſuch Perſon or Perſons as they, or any Five or more of them, ſhall from Time

Time to Time for that Purpoſe authorize and appoint, to make and cut, or cauſe to be made and cut, any Watercourſes, Ditches, or Drains, in and upon the ſaid Roads, and alſo in, through, or croſs, any Lands or Grounds, to prevent the ſaid Roads, or any Part or Parts thereof, from being overflowed; and to erect, rebuild, and keep in Repair, any Bridges and Arches of Brick, Stone, or Timber, upon the ſaid Road, or croſs any Brook, Watercourſe, or Ditch, where the ſame ſhall be neceſſary for the Accommodation of Travellers; and for the Purpoſe of erecting ſuch Bridges or Arches, to purchaſe any Lands or Hereditaments on or near the ſaid Road, with ſuch Powers, and under ſuch Reſtrictions, as by the ſaid Act of the Seventeenth Year of His late Majeſty they are enabled to purchaſe Lands for widening the ſaid Roads; and to defray

the

the Expence of ſuch reſpective Works out of the Tolls or Duties granted and continued by the ſaid former and this preſent Act.

Expences of paſſing this Act, how to be paid.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall, and they are hereby required, out of the Money which ſhall have ariſen or may hereafter ariſe by virtue of the ſaid former or this preſent Act, to defray all reaſonable Expences to be incurred in obtaining this preſent Act of Parliament.

Qualification of Truſtees.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon appointed by or in purſuance of the ſaid former or this preſent Act ſhall be capable of acting as a Truſtee, unleſs he ſhall be in his own Right, or in Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments,

ditaments, of the clear yearly Value of Forty Pounds above Reprizes; or ſhall be Heir Apparent of a Perſon poſſeſſed of an Eſtate of Inheritance in Law or Equity of the clear yearly Value of Eighty Pounds, or poſſeſſed of a Perſonal Eſtate to the Amount or Value of Eight hundred Pounds; and if any Perſon, not being ſo qualified, ſhall preſume to act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered by Action of Debt, or on the Caſe, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Fifty Pounds, without

Penalty on acting if not qualified.

without any other Proof or Evidence on the Part of the Proſecutor than that ſuch Perſon hath acted as a Truſtee, in the Execution of the ſaid former or this preſent Act.

Treaſurer to give Security.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall take ſuch Security from their Treaſurer or Treaſurers, Receiver or Receivers, for the due Execution of his or their Office or Offices, as the ſaid Truſtees, or any Five or more of them, ſhall think proper.

Writings to be without Stamps.

And be it further enacted by the Authority aforeſaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Aſſignment, Transfer, or other Security for the borrowing of Money, or other Writing whatſoever, under the Hand and Seal or Hands and Seals of, or only ſigned by, any

any Truſtee or Truſtees for putting this Act in Execution, or by any Juſtice or Juſtices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any of the Powers or Authorities hereby veſted in ſuch Truſtee or Truſtees, or Juſtice or Juſtices of the Peace, or any of them, or Tranſfer of any of the Securities aforeſaid, which ſhall be made by any Perſon or Perſons, ſhall be charged or chargeable with any Stamp-duty whatſoever.

No Victualler, &c. to have a Place of Profit.

And be it further enacted by the Authority aforeſaid, That no Victualler or Perſon retailing Spirituous or Fermented Liquors, ſhall be capable of holding any Office or Place of Truſt in the Execution of any Powers granted by the ſaid former or this preſent Act.

Limitation of Actions.

Provided alſo, and be it further enacted by the Authority aforeſaid,

ſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of the ſaid former or this preſent Act, until Fourteen Days Notice thereof given to the Clerk or Clerks to the ſaid Truſtees, or after ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be laid or brought in the County of *Eſſex*, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may, at his Election, plead ſpecially, or the General Iſſue, Not guilty, and give this Act, and the Special Matter, in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance of the ſaid former or this preſent Act; and if the ſame ſhall appear to have

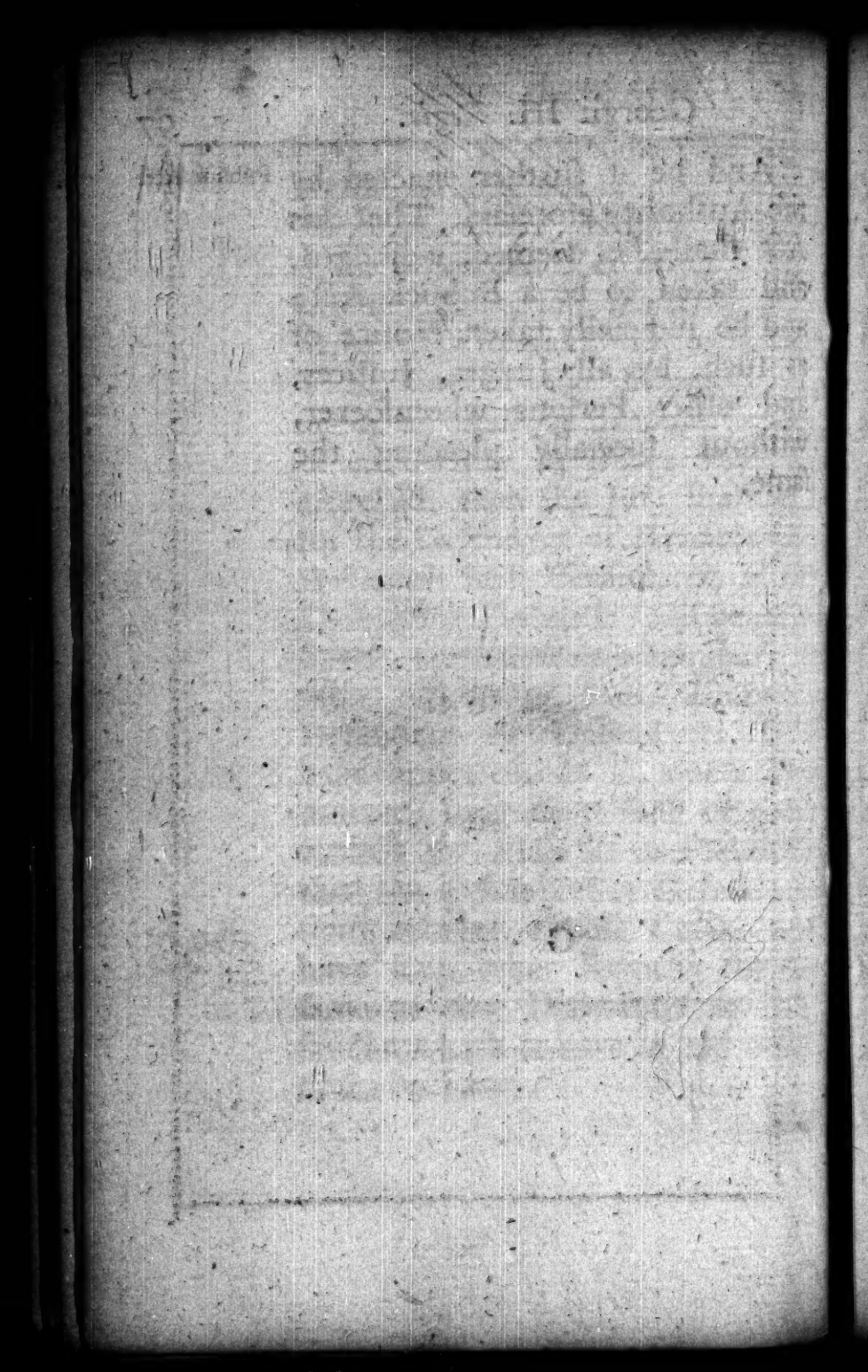
General Iſſue.

have been ſo done, or that ſuch Action or Suit was brought before Fourteen Days Notice thereof given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch other Remedy for the ſame as any Defendant or Defendants hath or have in any other Caſes by Law.

Treble Coſts.

And

And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame. Publick Act.



ANNO REGNI

GEORGII III.

REGIS

Magnæ Britanniæ, Franciæ, & Hiberniæ,

TRICESIMO PRIMO.

At the Parliament begun and holden at *Weſtminſter*, the Twenty-fifth Day of *November*, *Anno Domini* 1790, in the Thirty-firſt Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

Being the Firſt Seſſion of the Seventeenth Parliament of *Great Britain*.

LONDON:

Printed by CHARLES EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1791.

BRITISH
MUSEUM

ANNO TRICESIMO PRIMO

GEORGII III. Regis.

An Act for enlarging the Term and Powers of Two Acts, of the Seventeenth Year of His late Majesty, and the Ninth Year of His present Majesty, for repairing and widening the Road leading from a Place called *Harlow Bush Common,* in the Parish of *Harlow,* in the County of *Essex,* to *Stump Cross,* in the Parish of *Great Chesterford,* in the said County.

Preamble recites Acts 17 *Geo.* II. and 9 *Geo.* III.

WHEREAS Two Acts of Parliament were made in the Seventeenth Year of the Reign of His late Majesty, and the Ninth Year of the Reign of His present Ma-

Majesty, *for repairing and widening the Road leading from a Place called* Harlow Bush Common, *in the Parish of* Harlow, *in the County of* Essex, *to* Stump Cross, *in the Parish of* Great Chesterford, *in the said County*; which Acts have Continuance only until the End of the present Session of Parliament: And whereas a considerable Sum of Money is now due and owing upon the Credit of the Tolls authorised to be collected upon the Roads comprised in the said Acts; which Money cannot be paid off and discharged, and the said Roads effectually amended and kept in good Repair, unless the Term of the said Acts be enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present

preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Acts, and the ſeveral Authorities, Powers, Proviſions, Matters, and Things therein reſpectively contained, and which are now in Force (except ſuch as are hereby varied or altered, and as relate to Exemptions from Stamp Duties) ſhall be and remain in full Force and Effect, and have Continuance, from the Expiration of the preſent Term of the ſaid recited Acts, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament, in like Manner, and as fully and effectually, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act.

Term of the former Acts continued.

And be it further enacted, That from and after the paſſing of this Act the Repreſentatives in Parliament, for the Time being,

Truſtees appointed.

of the ſeveral Counties of *Eſſex*, *Hertford*, and *Cambridge*; Sir *William Altham* Knight, *John Archer*, *Ralph Allen*, Eſquires; the Reverend *Thomas Abdy Abdy* Clerk, the Honourable and Reverend *Nicholas Boſcawen* Doctor in Divinity, *Francis Beckford*, *Richard Beckford*, *John Brome*, *Thomas Hope Byde*, *Nicholas Boſcawen*, *William Brockett*, *John Baker*, and *Montagu Burgoyne*, Eſquires; the Reverend *Iſaac Moody Bingham*, the Reverend *Thomas Bull*, the Reverend *Richard Budworth*, the Reverend *William Browne*, Clerks; *Thomas Bithrey* Gentleman, the Reverend Sir *William Cheere* Baronet; *Henry Cranmer*, *Thomas Richard Carter*, *John Calvert*, *Stanes Chamberlayne*, *Richard Muilman Trench Chiſwell*, *John Conyers*, *Nicholſon Calvert*, Eſquires; the Reverend *William Calvert*, the Reverend *Edward Conyers*, the Reverend *Edward Cranmer*, the Reverend

William

William Campbell, the Reverend *Thomas Canning*, the Reverend *John Cock*, Clerks; *Joſeph Collin* Gentleman, *Alexander Duncan* Eſquire, the Reverend *Thomas Dalton* Clerk, *Iſaac Emery* Gentleman, *Thomas Fuller* Eſquire, *Thomas Hall Fiſke* Gentleman, *James Gordon* the elder, *James Gordon* the younger, Eſquires; the Reverend *Robert Gibſon*, the Reverend *William Gibſon*, the Reverend *William Gretton*, the Reverend *Edmund Gibſon*, the Reverend *Richard Grant*, Clerks; *John Green* Gentleman, *William Heath*, *John Hanchett*, *Bailey Heath*, Eſquires; the Reverend *Anthony Hamilton* Doctor in Divinity, the Reverend *Robert Howard* Clerk, *Thomas Hall* Gentleman, *Robert Jocelyn* Eſquire, the Reverend *John Johnſon* Clerk, *Edward Johns*, *Benjamin Jones*, *James Johns*, Gentlemen; *William Luſhington*, *Samuel Leightonhouſe*, Eſquires; the Reverend

Jonathan

Jonathan Lipyeatt, the Reverend *John Lane*, Clerks; *William Lord* Gentleman, *Jeremiah Milles* Esquire, the Reverend *Richard Meux* Clerk, *John Micklethwaite*, *Litchfield Moseley*, *William Mapletoft* Gentlemen; the Reverend *Anthony Natt*, Sir *Peter Parker* Baronet, *William Plumer*, *Edward Parson*, *John Parson*, *Christopher Parker*, *George Pochin*, Esquires; the Reverend *John Perkins*, the Reverend *James Parson*, Clerks; *William Poole*, *John Pitkin*, Gentlemen; *James Raymond*, *Robert Raynsford*, Esquires; the Reverend *John Raymond* Clerk, *William Robertson* Gentleman, Sir *Peter Soame* Baronet, Sir *William Smith* Baronet, *Richard Stanley* Esquire, the Reverend *Francis Stanley* Clerk, *Thomas Scott* Gentleman; *John Shaw*, *William Gorsuch Times*, the Honourable *Percy Wyndham*, *Ralph Winter*, *Thomas Wolfe*, *John Wolfe*, *Nehemiah Winter*, Esquires; *William Walley* Doctor of Physick;

the Reverend *Joseph Whateley* Clerk, *Edward Wise* and *William Woodham*, Gentlemen, shall be added to and joined with the Trustees appointed in and by virtue of the said recited Acts, and shall have the same Powers and Authorities for carrying the said recited Acts and this Act into Execution, in all Respects whatsoever, as if they had been named and appointed Trustees in the said recited Acts, or either of them.

Mode of appointing new Trustees varied.

And whereas, by the said recited Act of the Seventeenth Year of the Reign of His said late Majesty, all Persons chosen Trustees by virtue of the said Act are directed to be nominated, elected, and appointed under the Hands and Seals of Nine or more Trustees, which hath been found inconvenient; be it therefore further enacted, That for the future when any Person shall be chosen a Trustee for putting the said recited Act and this Act in Execution,

tion, his Name shall be entered in the Book of the Proceedings of the said Trustees; and after such Entry shall have been made, and the Proceedings of the Day signed by any Nine or more of the Trustees who were present at such Election, the Person so chosen shall be capable of acting as a Trustee in the Execution of the said recited Acts and this Act, in all Cases whatsoever, as he could or might have done if he had been nominated, elected, and appointed a Trustee under the Hands and Seals of Nine or more Trustees in Manner directed by the said recited Act, any Thing in the said recited Act to the contrary hereof notwithstanding.

Proceedings of the Trustees to be entered in a Book to be kept for that Purpose.

And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book to be kept for that Purpose; and such Orders and Proceedings so entered, and signed by a competent

petent Number of the ſaid Truſtees, (as the Caſe ſhall require), or by their Clerk by their Order, ſhall be deemed and taken to be Originals, and ſhall and may be read in Evidence in any Caſes of Appeal, and in any Suits or Actions touching any Thing done in purſuance of the ſaid recited Acts or this Act.

Mortgages may be aſſigned.

And be it further enacted, That it ſhall be lawful for any Perſon or Perſons who now is or are, or hereafter ſhall be poſſeſſed of any Mortgage or Security of the Tolls authoriſed to be collected upon the ſaid Roads, at any Time, to aſſign ſuch Mortgage or Security to any Perſon or Perſons, by Indorſement upon ſuch Mortgage or Security, in the Words or to the Effect following:

Form of Aſſignment.

I A. B. *do aſſign the within Mortgage or Security, and all my Right, Title, and Intereſt therein, unto*

unto C. D. *his Executors, Administrators, and Assigns. Witness my Hand and Seal, this Day of in the Year of our Lord*

And every such Assignment or Assignments, either by the original Mortgagee or Mortgagees, or any subsequent Assignee or Assignees, shall be good, valid, and effectual, and a Copy of every such Assignment or an Extract or Memorial thereof, containing the Date, Names of the Parties, and Amount of the Principal Sum secured, shall be entered by the Clerk at a Meeting of the Trustees, in the Book to be kept for entering the Orders and Proceedings of the said Trustees, previous to the Assignee or Assignees receiving the Interest due on the Mortgage or Security so assigned, for which Entry the Clerk shall be paid such Sum, not exceeding Two

Two Shillings and Sixpence, as the ſaid Truſtees, or any Five or more of them, ſhall appoint.

Power to change the Courſe of Part of the *Biſhop's Stortford* and *Palmer's Water* Roads.

And whereas it would be of Convenience to Travellers if the Courſe of Part of the Road leading from the Town of *Biſhop's Stortford* to a Place called *Palmer's Water*, was changed, by carrying the ſame from oppoſite a Field, in the Pariſh of *Biſhop's Stortford*, called *Common Down*, to communicate with the Road leading from *Hockerill* to *Palmer's Water* Turnpike Gate; but no Proviſion is made by the ſaid Acts, or either of them, for changing or altering the Courſe of any Part of the ſaid Roads; be it therefore further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby authorized and impowered (if they think fit) to cauſe the Courſe of the ſaid Road, leading from the Town of *Biſhop's*

Stortford

Stortford to *Palmer's Water*, to be changed at the said Field called *Common Down*, and carried through and over any Lands or Grounds within the Parishes of *Bishop's Stortford* and *Birchanger*, and across the River *Stort*, to join and communicate with the said Road leading from *Hockerill* to *Palmer's Water* Turnpike Gate, at such Place as they shall think proper; and also to erect a good substantial Carriage Bridge over the said River *Stort*, of such Materials and of such Construction as the said Trustees, or any Five or more of them, shall think fit, the said Trustees, or any Five or more of them, first paying, for the Lands to be made use of for that Purpose, and the Damage to be occasioned thereby, such Price or Satisfaction as shall be agreed upon between them and the Owners of and Persons interested in such Lands, or as shall be ascertained by

by a Jury in Manner directed by the ſaid recited Act of the Seventeenth Year of the Reign of His late Majeſty, with reſpect to the Price or Satisfaction to be paid for any Lands authorized to be taken by virtue of the ſaid Act, for enlarging or widening any Parts of the Roads comprized in the ſaid Act; and the ſeveral Powers and Proviſions of the ſaid Act which reſpect the purchaſing, agreeing for, or taking any Lands for enlarging or widening any Parts of the ſaid Roads, and the aſcertaining the Value of ſuch Lands by a Jury, ſhall extend to authorize and impower the purchaſing, agreeing for, and taking the Lands which ſhall be made uſe of for changing the Courſe of the Road as aforeſaid, and for aſcertaining the Value of the ſaid Lands, as if the Courſe of the Road ſo to be changed had been expreſsly directed to be changed in and by virtue

of the said recited Act; and that when the new Road shall be set out and made for changing the Course of the said Road, and the same shall be properly fenced off from the adjoining Lands, at the Expence of the said Trustees, and such Bridge shall be built as aforesaid, and the Communication between the said Two Roads made safe and convenient for Carriages and Passengers, the said Trustees shall from thenceforth be, and are hereby discharged from all Care and Management of such Part of the present Road leading from *Bishop's Stortford* to *Palmer's Water* as shall lie between the Place where the Road shall be changed at *Common Down* as aforesaid and *Palmer's Water*, and from all Expences attending the Repairs thereof: Provided always, that nothing herein contained shall authorize the said Trustees to take or make use of the Scite of any House or other

Building, or any Garden, Orchard, Yard, Park, planted Walk, or Avenue to any Houſe, without the Conſent of the Owner thereof.

Application of the Money belonging to Corporations, &c.

And be it further enacted, That the Money or Recompence to be paid for any Lands or Hereditaments which ſhall be taken or uſed by virtue of the ſaid recited Acts, or this Act, for changing the Courſe, or enlarging or widening any Part or Parts of the ſaid Roads belonging to any Corporation, Femes Covert, Infants, Lunatics, or Perſons under any other Diſability or Incapacity, ſhall be paid to ſuch Perſon or Perſons as ſuch Corporation, or the Huſbands, Feoffees, Guardians, Truſtees, or Committees of ſuch Femes Covert, Infants, Lunatics, or Perſons under any other Diſability or Incapacity, ſhall reſpectively nominate and appoint to receive the ſame, in Truſt with all convenient Speed to be re-inveſted

veſted in the Purchaſe of other Lands or Hereditaments, which ſhall be conveyed and ſettled upon, and ſubject to the like Uſes, Truſts, and Limitations as the Lands or Hereditaments belonging to ſuch Corporation or other Perſons as aforeſaid, which ſhall be taken or uſed for the Purpoſes of this Act, were ſettled, limited, or aſſured.

Expences of this Act.

And be it further enacted, That all the Charges and Expences incident to and attending the obtaining and paſſing of this Act, ſhall be paid out of any Money collected or received, or to be collected or received, by virtue of the ſaid recited Acts; and that this Act ſhall be adjudged, deemed, and taken to be a Publick Act; and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

Publick Act.

F I N I S.

MUSEUM